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Kevin Michael Wueste

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EXAMINER

JEAN GILLES, JUDE

ART UNIT

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/023,285	Applicant(s) WUESTE, KEVIN MICHAEL	
	Examiner JUDE J. JEAN GILLES	Art Unit 2443	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8,9 and 11-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8,9 and 11-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Office Action

1. The purpose of this communication is to inform you that the above identified application is being withdrawn from issue pursuant to 37 CFR 1.313.

The application is being withdrawn to permit reopening of prosecution. The reasons therefor are communicated to you in the rejections below.

U.S. Patent and Trademark Office records reveal that issue fee and the publication fee have been submitted, the applicant may request a refund, or may request that the fee be credited to a deposit account. However, applicant may wait until the application is either again found allowable or held abandoned. If the application is allowed, upon receipt of a new Notice of Allowance and Fees Due, applicant may request that the previously submitted issue fee and publication fee be applied toward payment of the issue fee and publication fee in the amount identified on the new Notice of Allowance and Issue and Publication Fee Due. If the application is abandoned, applicant may request either a refund or a credit to a specified Deposit Account.

Claims 1-6, 8-9, and 11-23 are pending in this application. Claims 7, 10 and 24 are cancelled.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

Art Unit: 2443

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6, 8-9, and 11-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Hertz and et al (hereinafter Hertz) U.S. Pub. No. 2001/0014868 A1.

Hertz teaches:

1. A system to generate and deliver concentric user-targeted content to participating users comprising:

a data store having data representative of a participating user's profile information and content usage information (fig. 1, data store element 102; see also items 123, and 124; see the Shopper profile and history data base);

a content data store, said content data store having various content for display to said participating user (fig. 1, data store element 102; see also, items 121, and 122; see the shopper and Offer data base); and

an instruction set cooperating with said data store and said content data store, wherein said instruction set includes an algorithm for comparing said profile information to said content usage information and for generating a preference for said participating user based on said comparison (par. 0292-0293; note the matching of the profile data with multiple shoppers with similar interests),

wherein said algorithm of said instruction set further operates on said generated preference to obtain a range of concentric user-targeted content from said content data store (par. 0039; see formula for assessing shopper's preference for content interest),

wherein said range of concentric user-targeted content includes a buy content offering, a product content offering, and a brand content offering, each content offering being correlated in varying degrees to said generated preference (par. 0037, and 0038),

wherein said buy content offering comprises a first product that is directly related to a request of said participating user (par. 0036, shopper's goal is the user's request),

wherein said product content offering comprises a second product that is indirectly related to said request of said participating user and that is correlated to said participating user's profile information (par. 0036-0038, lines 6-8 of par. 0038 describe offers of other ski equipments that is indirectly related to the request of ski google (i.e. may be interested but not explicitly asked for; the offers are based on a shopper's request and shopper's profile including demographic data), and

wherein said brand content offering comprises a third product that is indirectly related to said request of said participating user and that is correlated to said participating user's profile information and content usage information (par. 36 and 37; par. 38, lines 6-8, e.g., offers of other ski equipments that is indirectly related to the request of ski goggle (i.e., may be interested but not explicitly asked for). The offers are based on a shopper's request and shopper's profile including demographic data (i.e., user's profile information) AND accepted offer in the past (i.e., content usage information)).

2. The system as recited in claim 1, wherein said profile

Art Unit: 2443

information is input by said participating user for storage on said data store (fig. 1, data storage element 102 comprising shopper profile database 123).

3. The system as recited in claim 2, wherein said profile information comprises demographic and/or preference information for said participating user (par. 0039).

4. The system as recited in claim 1, wherein said content usage information comprises current and historical usage information (0247; and 0262).

5. The system as recited in claim 1, wherein said algorithm includes a matching algorithm that accepts as input said profile information and said content usage information from said data store (par. 0292-0293).

6. The system as recited in claim 5, wherein said matching algorithm further accepts said generated preference and said content from said content data store as input to generate said range of concentric user-targeted content (par. 0292-0293).

7. (Canceled)

Art Unit: 2443

8. The system as recited in claim 7, wherein said buy content offering, said product content offering and said brand content offering differ from each other on a graduated basis (par. 0037, and 0038).

9. The system as recited in claim I, wherein said varying degrees are based on said content usage information (par. 0037, and 0038).

10. (Canceled)

11. The system as recited in claim I, wherein said data store and content data store operate in a computing environment (fig. 1, data store element 102).

12. The system as recited in claim I, wherein said instruction set comprises a computing application (0051, and 0249).

13. The system as recited in claim I, wherein said range of concentric user-targeted content is delivered to said participating user over a communications network (fig. 1 communication network 103).

14. The system as recited in claim 13, wherein said communications network comprises any of a wireless LAN, a fixed wire LAN, a wireless

Art Unit: 2443

WAN, a fixed wire WAN, a wireless intranet, a fixed wire intranet, a wireless extranet, a fixed wire extranet, a wireless peer-to-peer communications network, a fixed wire peer-to-peer communications network, and the Internet (fig. 1 data communication network 103).

15. The system as recited in claim I, wherein said range of concentric user-targeted content is configured to be displayed in electronic display panes (par. 0255).

16. The system as recited in claim 15, wherein said electronic display panes are part of a content browser computing application (0255, and 0257).

17. A computer implemented method to generate concentric user-targeted content for a participating user, the computer implemented method comprising:

receiving user data from a data store, the user data comprising a participating user's profile information and content usage information (fig. 1, data store element 102; see also items 123, and 124; see the Shopper profile and history data base);

receiving content from a content data store (fig. 1, data store element 102; see also, items 121, and 122; see the shopper and Offer data base);

processing said profile information and said content usage information to generate a preference for said participating user based on said user data; and matching said generated preference with said content to generate a range of concentric user-targeted content that is matched to said generated preference for said participating user

Art Unit: 2443

with varying degrees of certainty (par. 0292-0293; note the matching of the profile data with multiple shoppers with similar interests),

wherein said range of concentric user-targeted content includes a buy content offering a product content offering, and a brand content offering (par. 0037, and 0038),

wherein said buy content offering comprises a first product that is directly related to a request of said participating user (par. 0036, shopper's goal is the user's request),

wherein said product content offering comprises a second product that is indirectly related to said request of said participating user and that is correlated to said participating user's profile information (par. 0036-0038, lines 6-8 of par. 0038 describe offers of other ski equipments that is indirectly related to the request of ski google (i.e. may be interested but not explicitly asked for; the offers are based on a shopper's request and shopper's profile including demographic data), and

wherein said brand content offering comprises a third product that is indirectly related to said request of said participating user and that is correlated to said participating user's profile information and content usage information (par. 36 and 37; par. 38, lines 6-8, e.g., offers of other ski equipments that is indirectly related to the request of ski goggle (i.e., may be interested but not explicitly asked for). The offers are based on a shopper's request and shopper's profile including demographic data (i.e., user's profile information) AND accepted offer in the past (i.e., content usage information)).

Art Unit: 2443

18. The computer implemented method as recited in claim 17 further comprising distributing said range of concentric user-targeted content to said participating user over a cooperating communications network (fig. 1, network 103).

19. The computer implemented method as recited in claim 17, wherein said matching said generated preference with said content comprises applying a matching algorithm to said preference and said content (par. 0292-0293).

20. The computer implemented method as recited in claim 17 further comprising communicating with a content partner to obtain additional content for use when generating said range of concentric user-targeted content (0009-0010).

21. A computer readable medium having computer readable instructions to perform the computer implemented method as recited in claim 17 (fig. 1).

22. A method to generate and deliver concentric user-targeted content, the method comprising:

providing a data store having data indicative of a participating user's profile information and content usage information (fig. 1, data store element 102; see also items 123, and 124; see the Shopper profile and history data base);

providing a content data store, said content data store having content from a content service provider (fig. 1, data store element 102; see also, items 121, and 122; see the shopper and Offer data base);

providing a computing application, said computing application cooperating with said data store and said content data store, wherein said computing application includes an algorithm for comparing said profile information to said content usage information and for generating a preference based on said comparison (par. 0292-0293; note the matching of the profile data with multiple shoppers with similar interests),,

wherein said computing application processes said generated preference along with said content to determine a range of concentric user-targeted content that includes a buy content offering, a product content offering, and a brand content offering (par. 0037, and 0038),,

wherein said buy content offering comprises a first product that is directly related to a request of said participating user (par. 0036, shopper's goal is the user's request),

wherein said product content offering comprises a second product that is indirectly related to said request of said participating user and that is correlated to said participating user's profile information (par. 0036-0038, lines 6-8 of par. 0038 describe offers of other ski equipments that is indirectly related to the request of ski google (i.e. may be interested but not explicitly asked for; the offers are based on a shopper's request and shopper's profile including demographic data), and

wherein said brand content offering comprises a third product that is indirectly related to said request of said participating user and that is correlated to said participating user's profile information and said content usage information (par. 36 and 37; par. 38, lines 6-8, e.g., offers of other ski equipments that is indirectly related to the request of ski goggle (i.e., may be interested but not explicitly asked for). The offers are based on a shopper's request and shopper's profile including demographic data (i.e., user's profile information) AND accepted offer in the past (i.e., content usage information)); and

delivering said generated range of concentric user-targeted content to said participating user over a communications network, said communications network cooperating with said computing application (fig. 1 communication network 103; 0051, and 0249).

23. The method as recited in claim 22, wherein said providing said content data store step further comprises cooperating with a content partner to obtain said content (0009-0010).

24. (Canceled)

Conclusion

4. ***This action is made Non-Final.*** Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:30 PM.

Art Unit: 2443

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia Dollinger, can be reached on (571) 272-4170. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3301.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-0800.

/Jude J Jean-Gilles/

Examiner, Art Unit 2443

September 10, 2009